

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation)	
)	
WILLIAM G. CLOSSON, Jr., M.D.)	No. D-4750
1120 McKendrie Street)	
San Jose, CA 95126)	
)	
Certificate No. A-10597)	
)	
<u>Respondent.</u>)	

DECISION

The foregoing Stipulation, in case number D-4750, is hereby adopted by the Division of Medical Quality of the Medical Board of California as its decision in the above-entitled matter.

This Decision shall become effective on February 13, 1994.

IT IS SO ORDERED January 14, 1994.

DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA

By:



THERESA L. CLAASSEN
Secretary

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SUSAN K. MEADOWS
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102
4 Telephone: (415) 703-2509

5 Attorneys for Complainant

6
7 BEFORE THE MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
8 STATE OF CALIFORNIA
9

10 In the Matter of the Accusation)

11 Against:)

No. D-4750

12 WILLIAM G. CLOSSON, Jr., M.D.)

13 1120 McKendrie Street)

San Jose, CA 95126)

14 Physician's and Surgeon's)

Certificate No. A10597)

SURRENDER OF PHYSICIAN'S
AND SURGEON'S CERTIFICATE

16 IT IS HEREBY STIPULATED BY AND BETWEEN the Division of
17 Medical Quality of the Medical Board of California, State of
18 California (hereinafter the "Board") by and through its attorney,
19 Daniel E. Lungren, Attorney General by Susan K. Meadows, Deputy
20 Attorney General and respondent, WILLIAM G. CLOSSON, Jr., M.D.,
21 ("respondent") by and through respondent's conservator, Kathryn
22 C. Tom, on the advice of respondent's counsel, Sandra J. Savage,
23 as follows:

24 1. An Accusation has been filed by the executive
25 director before the Board against respondent and respondent and
26 respondent's conservator have received and read Accusation No.D-
27 4750. A true and correct copy of the Accusation is attached

1 hereto as Exhibit A.

2 2. On or about April 27, 1992, in a case entitled
3 Conservatorship of William G. Closson, Jr. M.D., Santa Clara
4 Superior Court Case No. 127948, the court appointed Kathryn C.
5 Tom, as respondent's conservator with respect to any dealings
6 relating to his person and his estate. True and correct copies
7 of the Order Appointing Probate Conservator and the Letters of
8 Conservatorship are attached hereto as Exhibits B and C,
9 respectively. As respondent's legally appointed conservator, Ms.
10 Tom has the authority to enter into this stipulation for
11 surrender of licensure on behalf of respondent.

12 2. Respondent's conservator understands the nature of
13 the charges alleged in the above-mentioned accusation.
14 Respondent's conservator is fully aware and has been fully
15 advised by counsel of respondent's right to a hearing on the
16 charges and allegations contained in Accusation No.D-4750, his
17 right to reconsideration, to appeal, and to any and all other
18 rights which may be accorded him under the California
19 Administrative Procedure Act and other laws of the State of
20 California. Respondent's conservator is fully aware and has been
21 fully advised that by entering into this Stipulation, she
22 voluntarily waives respondent's right to a hearing, to
23 reconsideration, to appeal and to any and all other rights which
24 may be accorded respondent by the California Administrative
25 Procedure Act and other laws of the State of California.

26 5. Respondent voluntarily enters into this stipulation
27 for surrender of licensure and admits that he is not physically

1 or mentally competent, at the present time, to continue to
2 practice medicine.

3 6. Respondent neither admits nor denies the
4 allegations contained in the Accusation, but for the purposes of
5 settlement and compromise of this proceeding, and to avoid the
6 costs of further litigation, respondent stipulates and agrees
7 that the Division has jurisdiction to enter into the terms and
8 conditions of this stipulation pursuant to section 2234 of the
9 Business and Professions Code.

10 7. Respondent specifically waives the renewal
11 provisions of Business and Professions Code sections 2422, 2427
12 and 2435 and agrees that he will not apply to the Division to
13 have his certificate renewed, restored, reissued or reinstated.
14 Respondent further agrees that he will not apply for a new
15 certificate for at least three years after the effective date of
16 this decision and that any such application shall be deemed a
17 petition for reinstatement of the certificate and treated
18 according to the provisions of Business and Professions Code
19 section 2307 or any similar section that is in effect at the time
20 of such an application.

21 8. Respondent expressly agrees that should he in the
22 future petition for reinstatement of his certificate, the
23 allegations set forth in all of the Causes for Disciplinary
24 Action set forth in Accusation No. D-4750 shall be deemed
25 admitted as being true and correct for the purposes of said
26 petition for reinstatement, and that at that reinstatement
27 hearing all documents, statements, medical records, and any and


1 all evidence relating to the charges contained in Accusation No.
2 D-4750 shall be introduced as direct evidence at the hearing and
3 may be considered in deciding whether the certificate should be
4 reinstated.

5 6. Based on the foregoing recitals and admissions, the
6 Division agrees to accept the surrender of respondent's
7 physician's and surgeon's certificate No. A10597 upon the terms
8 and conditions specified above.

9 7. This stipulation for surrender of licensure shall
10 be null and void and not binding until approved and adopted by
11 the Board.

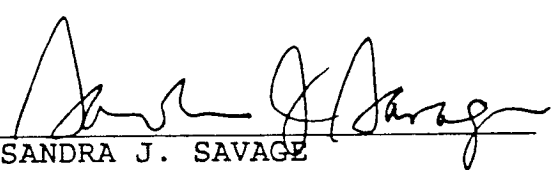
12
13 DATED: 10/7/93

DANIEL E. LUNGREN
Attorney General of the
State of California


SUSAN K. MEADOWS
Deputy Attorney General

Attorneys for Complainant

14
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16
17
18
19 DATED: 9/30/93


SANDRA J. SAVAGE
Attorney for Respondent

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21
22
23 I hereby certify that I am the legally appointed
24 conservator for the respondent and have read this Stipulation for
25 Surrender of Licensure in its entirety, that I have been fully
26 advised as to the legal significance and consequences thereof,
27 that I fully understand the terms of this stipulation for

1 surrender of licensure and that I have discussed the terms and
2 conditions of this surrender in its entirety with respondent and
3 that respondent voluntarily agrees to them, and I, on behalf of
4 respondent, agree to them. In witness thereof, I affix my
5 signature this 30 day of September, at San Jose
6 California.


7
8 
9 KATHRYN C. TOM
Conservator for Respondent

EXHIBIT A

1 DANIEL E. LUNGREN, Attorney General
of the State of California
2 SUSAN K. MEADOWS
Deputy Attorney General
3 455 Golden Gate Avenue, Room 6200
San Francisco, California 94102
4 Telephone: (415) 703-4153

5 Attorneys for Complainant

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7 BEFORE THE MEDICAL BOARD OF CALIFORNIA
DIVISION OF MEDICAL QUALITY
8 STATE OF CALIFORNIA
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10 In the Matter of the Accusation)
11)
Against:) No. D-4750
12)
WILLIAM G. CLOSSON, Jr., M.D.) ACCUSATION
13 1120 McKendrie Street)
San Jose, CA 95126)
14 Physician's and Surgeon's)
Certificate No. A10597)
15)
16)

16 KENNETH J. WAGSTAFF, complainant herein, charges and
17 alleges as follows:

18 1. He is the Executive Director of the Medical Board
19 of California, State of California (hereinafter referred to as
20 the "Board") and he makes these charges and allegations in his
21 official capacity and not otherwise.

22 2. At all times material herein, respondent William G.
23 Closson, Jr., M.D. (hereinafter referred to as "respondent"), has
24 held Physician's and Surgeon's Certificate No. A-10597 issued by
25 the Board. Said certificate was issued to respondent on or about
26 September 18, 1944 and is presently in good standing with an
27 expiration date of January 31, 1993.

1 3. Respondent's conduct alleged herein occurred in San
2 Jose, California during the course of respondent's practice as a
3 licensed psychiatrist.

4 STATUTES

5 4. Section 2220 of the Business and Professions Code
6 ^{1/} provides that the Division of Medical Quality of the Board may
7 take action against all persons guilty of violating the
8 provisions of the Medical Practice Act (sections 2000 et seq.)

9 5. Section 2234 provides, in pertinent part, that the
10 Division of Medical Quality shall take action against any
11 licensee who is charged with unprofessional conduct. In addition
12 to other provisions of this article, unprofessional conduct
13 includes, but is not limited to, the following: ...

14 (a) Violating or attempting to violate, directly or
15 indirectly, or assisting in or abetting the violation
16 of, or conspiring to violate, any provision of this
17 chapter.

18 (b) Gross negligence.

19 (c) Incompetence

20 6. Sections 2227 and 2234 provide, in part, that the
21 Board shall take disciplinary action against a licensee charged
22 with unprofessional conduct.

23 7. Section 726 states, in pertinent part, that the
24 commission of any act of sexual abuse, misconduct, or relations
25 with a patient, client, or customer which is substantially
26

27 1. All statutory references are to the Business and
Professions Code unless otherwise noted.

1 related to the qualifications, functions or duties of the
2 occupation for which a license is issued is unprofessional
3 conduct and grounds for disciplinary action against any person
4 licensed under [Division 2 of the Business and Professions Code].
5 Physician and surgeons are licensed under Division 2.

6 FIRST CAUSE FOR DISCIPLINARY ACTION

7 8. On or about the fall of 1989, respondent was
8 treating J.F.^{2/} for various emotional problems. During a
9 counseling session in respondent's office, respondent asked J.F.
10 to take off her clothes and then he engaged in oral sex with her.
11 Previous to this occasion, J.F. had been a patient of
12 respondent's for approximately 10 years.

13 9. Respondent's aforesaid conduct constitutes sexual
14 misconduct and relations with a patient and is in violation of
15 section 726 of the Business and Professions Code. Therefore,
16 cause for discipline exists under sections 726 and 2234.

17 SECOND CAUSE FOR DISCIPLINARY ACTION

18 10. The allegations of paragraphs 8 and 9 are
19 realleged and incorporated herein by reference as though fully
20 set forth.

21 11. Respondent's conduct alleged in paragraph 10
22 constitutes gross negligence and/or incompetence under 2234
23 subdivisions (a), (b), and (c). Therefore cause for discipline
24 exists pursuant to section 2234.

25 //

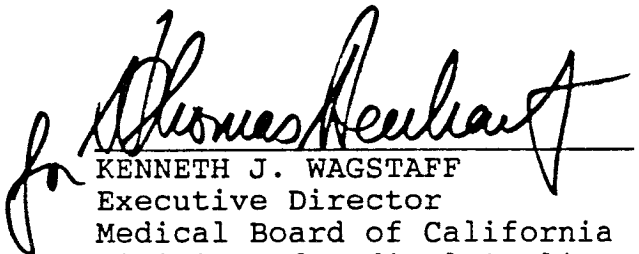
26
27 2. The full name of the patient will be available upon a
request for discovery.

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PRAYER

WHEREFORE, complainant prays that the Board hold a hearing on the charges and allegations set forth herein and thereafter issue an order revoking or suspend respondent's physician and surgeon certificate No. A-10597 and take such other and further action as is deemed just and proper.

Dated: June 4, 1992


KENNETH J. WAGSTAFF
Executive Director
Medical Board of California
Division of Medical Quality
State of California

03573160
sf92ad143

EXHIBIT B

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address): (408) 243-4100 SANDRA J. SAVAGE ATTORNEY AT LAW 1871 THE ALAMEDA, SUITE 250 SAN JOSE, CA 95126 ATTORNEY FOR (Name): Petitioner SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA STREET ADDRESS: 191 NORTH FIRST STREET MAILING ADDRESS: SAME AS ABOVE CITY AND ZIP CODE: SAN JOSE, CA 95113 BRANCH NAME: CONSERVATORSHIP OF THE <input checked="" type="checkbox"/> PERSON <input checked="" type="checkbox"/> ESTATE OF (NAME): WILLIAM G. CLOSSON, JR. M.D. CONSERVATEE	TELEPHONE NO.: <div style="border: 1px solid black; padding: 5px; text-align: center;"> (ENDORSED) FILED </div> <div style="text-align: center;"> APR 27 2 04 PM '92 </div> GRADE COUNTY SANTA CLARA BY _____ CASE NUMBER: 127948
ORDER APPOINTING PROBATE CONSERVATOR <input type="checkbox"/> Limited Conservatorship	

1. The petition for appointment of conservator came on for hearing as follows (check boxes c, d, e, and f to indicate personal presence):
- a. Judge (name): HON. DONALD L. CLARK

- b. Hearing date: 4/21/92 Time: 1:30 PM ☐ Dept: 6 ☐ Room:
- c. ☒ Petitioner (name): WILLIAM G. CLOSSON, JR. M.D.
- d. ☒ Attorney for petitioner (name): SANDRA J. SAVAGE
- e. ☐ Attorney for person cited (name, address, and telephone):

- f. Person cited was ☐ present ☐ unable to attend ☒ able but unwilling to attend ☐ out of state.

2. THE COURT FINDS

- a. All notices required by law have been given.
- b. (Name): WILLIAM G. CLOSSON, JR. M.D.
- (1) ☒ is unable properly to provide for his or her personal needs for physical health, food, clothing, or shelter.
- (2) ☒ is substantially unable to manage his or her financial resources or to resist fraud or undue influence.
- (3) ☒ has voluntarily requested appointment of a conservator and good cause has been shown for the appointment.
- c. Conservatee
- (1) ☒ is an adult.
- (2) ☐ will be an adult on the effective date of this order.
- (3) ☐ is a married minor.
- (4) ☐ is a minor whose marriage has been dissolved.
- d. ☐ There is no form of medical treatment for which the conservatee has the capacity to give an informed consent.
☐ Conservatee is an adherent of a religion defined in section 2355(b) of the Probate Code.
- e. ☐ Granting the conservator powers to be exercised independently under section 2590 of the Probate Code is to the advantage and benefit and in the best interest of the conservatorship estate.
- f. ☐ Conservatee is not capable of completing an affidavit of voter registration.
- g. ☐ Attorney (name): _____ has been appointed by the court as legal counsel to represent the conservatee in these proceedings. The cost for representation is: \$
 The conservatee has the ability to pay ☐ all ☐ none ☐ a portion of this sum (specify): \$
- h. ☐ Conservatee need not attend the hearing.
- i. ☒ The appointed court investigator is (name, address, and telephone): WILLIAM DE LA HAYE, SANTA CLARA COUNTY COURT INVESTIGATOR'S OFFICE, 191 NORTH FIRST STREET, SAN JOSE, CALIFORNIA
- j. ☐ (for limited conservatorship only) The limited conservatee is developmentally disabled as defined in section 1420 of the Probate Code.
- k. ☐ The conservator is a private professional conservator as defined by Probate Code section 2341 who has filed with the county clerk the confidential statement required by Probate Code section 2342.

(Continued on reverse)

CONSERVATORSHIP OF (NAME): WILLIAM G. CLOSSON, JR. M.D.

CASE NUMBER:

127948

Conservatee

3. THE COURT ORDERS

a. (Name): KATHRYN C. TOM
(Address): 2720 PEACHWOOD COURT
SAN JOSE, CA 95132

(Telephone): (408) 258-1900

is appointed ☒ conservator ☐ limited conservator of the PERSON of (name): WILLIAM G. CLOSSON, JR.
and Letters shall issue upon qualification.

b. (Name): KATHRYN C. TOM
(Address): 2720 PEACHWOOD COURT
SAN JOSE, CA 95132

(Telephone): (408) 258-1900

is appointed ☒ conservator ☐ limited conservator of the ESTATE of (name): WILLIAM G. CLOSSON, JR.
and Letters shall issue upon qualification.

c. ☐ Conservatee need not attend the hearing.

d. (1) ☒ Bond is not required.

(2) ☐ Bond is fixed at: \$ to be furnished by an authorized surety company or as otherwise provided by law.

(3) ☐ Deposits shall be made at (specify institution):
in the amount of: \$ and receipts filed.

e. ☐ For legal services rendered, ☐ conservatee ☐ conservatee's estate ☐ parents of the minor ☐ minor's estate shall pay to (name): the sum of: \$
☐ forthwith ☐ as follows (specify terms, including any combination of payors):

f. ☐ Conservatee is disqualified from voting.

g. ☐ Conservatee lacks the capacity to give informed consent for medical treatment and the conservator of the person is granted the powers specified in section 2355 of the Probate Code. ☐ The treatment shall be performed by an accredited practitioner of the religion defined in section 2355(b) of the Probate Code.

h. ☐ The conservator of the estate is granted authorization under section 2590 of the Probate Code to exercise independently the powers specified in Attachment 3h ☐ subject to the conditions provided.

i. ☐ Orders relating to the capacity of the conservatee under section 1873 or 1901 of the Probate Code as specified in Attachment 3i are granted.

j. ☐ Orders relating to the powers and duties of the conservator of the person under sections 2351-2358 of the Probate Code as specified in Attachment 3j are granted.

k. ☐ Orders relating to the conditions imposed under section 2402 of the Probate Code upon the conservator of the estate as specified in Attachment 3k are granted.

l. ☐ Other orders as specified in Attachment 3l are granted.

m. ☐ The inheritance tax referee appointed is (name and address):

n. ☐ (for limited conservatorship only) Orders relating to the powers and duties of the limited conservator of the person under section 2351.5 of the Probate Code as specified in Attachment 3n are granted.

o. ☐ (for limited conservatorship only) Orders relating to the powers and duties of the limited conservator of the estate under section 1830(b) of the Probate Code as specified in Attachment 3o are granted.

p. ☐ (for limited conservatorship only) Orders limiting the civil and legal rights of the limited conservatee as specified in Attachment 3p are granted.

q. ☒ This order is effective on the ☒ date signed ☐ date minor attains majority (date):

4. Number of boxes checked in item 3: 4

5. ☐ Number of pages attached: _____

Date: APR 27 1992

DONALD L. CLARK

JUDGE OF THE SUPERIOR COURT

☐ SIGNATURE FOLLOWS LAST ATTACHMENT.

EXHIBIT C

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name and Address)

TELEPHONE N

(408) 243-4100

☐ IF RECORDED RETURN TO:

SANDRA J. SAVAGE
1871 THE ALAMEDA, SUITE 250
SAN JOSE, CA 95126

ATTORNEY FOR (Name): Petitioner

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA

STREET ADDRESS: 191 NORTH FIRST STREET

MAILING ADDRESS: SAME AS ABOVE

CITY AND ZIP CODE: SAN JOSE, CA 95113

BRANCH NAME:

CONSERVATORSHIP OF (NAME): WILLIAM G. CLOSSON, JR. M.D.

Conservatee

LETTERS OF CONSERVATORSHIP

☒ Person ☒ Estate ☐ Limited Conservatorship

FOR COURT USE ONLY

(ENDORSED)
FILED

MAY 6 12 17 PM '92

GRACE K. YAMAKAWA
COUNTY CLERK
SANTA CLARA COUNTY
BY _____ DEPUTY

CASE NUMBER:

127948

FOR RECORDER'S USE ONLY

STATE OF CALIFORNIA, COUNTY OF SANTA CLARA

1. ☒ (Name): KATHRYN C. TOM is the appointed

☒ conservator ☐ limited conservator of the ☒ person ☒ estate of
(name): WILLIAM G. CLOSSON, JR. M.D.

2. ☐ (for conservatorship that was on December 31, 1980, a guardianship of an adult
or of the person of a married minor) (name):

was appointed the guardian of the ☐ person ☐ estate by order
dated: and is now the conservator of the

☐ person ☐ estate of (name):

3. ☐ Other powers have been granted or conditions imposed as follows:

a. ☐ exclusive authority to give consent for and to require the conservatee to
receive medical treatment that the conservator in good faith based on
medical advice determines to be necessary even if the conservatee objects,
subject to the limitations stated in section 2356 of the Probate Code.

☐ This treatment shall be performed by an accredited practitioner of the
religion whose tenets and practices call for reliance on prayer alone for healing of which
the conservatee was an adherent prior to the establishment of the conservatorship.

☐ (applicable only if the court order limits the duration) This medical authority terminates on (date):

b. ☐ powers to be exercised independently under section 2590 of the Probate Code as specified in attachment
3b (specify powers, restriction, conditions, and limitations).

c. ☐ conditions relating to the care and custody of the property under section 2402 of the Probate Code
as specified in attachment 3c.

d. ☐ conditions relating to the care, treatment, education, and welfare of the conservatee under section 2358
of the Probate Code as specified in attachment 3d.

e. ☐ (for limited conservatorship only) powers of the limited conservator of the person under section 2351.5
of the Probate Code as specified in attachment 3e.

f. ☐ (for limited conservatorship only) powers of the limited conservator of the person under section 1830(b)
of the Probate Code as specified in attachment 3f.

g. ☐ other (specify):

SEAL

MAY - 6 1992

Dated:

GRACE K. YAMAKAWA
County Clerk

Clerk, by

C. GRIJALVA

, Deputy

☐ Number of pages attached:

(Continued on reverse)

This form may be recorded as notice of the establishment of a conservatorship of the estate as provided in section 1875 of the Probate Code.

Form Approved by the
Judicial Council of California
Effective January 1, 1981

LETTERS OF CONSERVATORSHIP

CONSERVATORSHIP OF (NAME): WILLIAM G. CLOSSON, JR. M.D.	CASE NUMBER: 127948
Conservatee	

LETTERS OF CONSERVATORSHIP

Page 2

AFFIRMATION

I solemnly affirm that I will perform the duties of ☒ conservator ☐ limited conservator according to law.

Executed on (date): 4/21/92 at (place) . San Jose, CA

s/s Kathryn C. Tom
(Signature of appointee)

CERTIFICATION

I certify that this document and any attachments is a correct copy of the original on file in my office, and that the letters issued to the person appointed above have not been revoked, annulled, or set aside, and are still in full force and effect.

Dated:

Clerk, by _____, Deputy

